

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RICHARD D. ERVINE,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO.2:06cv137-MHT
) WO
HARDWOODS, INC. OF ALABAMA,)
)
Defendant.)

ORDER ON MOTION

Upon consideration of the plaintiff's motion to compel filed on August 15, 2006,
and for good cause, it is

ORDERED that the motion be and hereby is DENIED pursuant to Federal Rules
of Civil Procedure 26(c) and 37(a)(2)(B) and ¶ 5 of the General Order of this court
entered on November 22, 1993.

The applicable provision of this court's General Order reads as follows:

The court will not consider any motion relating to discovery, such as a
motion to compel or a motion for protective order, unless the motion is
accompanied by a written certification that the moving party has made
reasonable good-faith effort to reach agreement with opposing counsel on
the matters set forth in the motion.

Federal Rules of Civil Procedure 26(c) and 37(a)(2)(B), as amended on December
1, 1993, require litigants to seek to resolve discovery disputes by a good faith conference
before seeking court intervention. Discovery motions filed pursuant to these Rules must
be accompanied by a certification that the movant has in good faith conferred or

attempted to confer with other affected parties in an effort to resolve the dispute without court action.

DONE, this 21st day of August, 2006.

/s/ Susan Russ Walker

SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE